

## CONGRESSIONAL RECORD SUMMARY

Monday, November 18, 2002

### SENATE

#### S. 2949 - Aviation Security Improvement Act:

*Senate passed S. 2949*, to provide for enhanced aviation security, after agreeing to committee amendments, and the following amendments proposed thereto:

*Pages S 11296-11306, D 1163*

*Hutchison (for Hollings/McCain) Amendment No. 4968*, in the nature of a substitute.

*Pages S 11300, D 1163*

#### S. 754 - Drug Competition Act:

*Senate passed S. 754*, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission **to enforce existing antitrust laws regarding brand name drugs and generic drugs**, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

*Pages S 11339-42, D 1163*

*Reid (for Hatch/Leahy) Amendment No. 4965*, to make certain technical amendments.

*Pages S 11341, D 1163*

#### H.R. 5005 - Homeland Security Act:

*Senate continued consideration of H.R. 5005*, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

**Pending:**

*Thompson (for Gramm) Amendment No. 4901*, in the nature of a substitute.

*Daschle (for Lieberman) Amendment No. 4911 (to Amendment No. 4901)*, to provide that certain provisions of the Act shall not take effect.

*Daschle (for Lieberman) Amendment No. 4953 (to Amendment No. 4911)*, of a perfecting nature.

**Senate will continue consideration of the bill on Tuesday, November 19, 2002.**

*Page D 1164*

#### Nomination Considered:

*Senate began consideration of the nomination of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.*

*Pages S 11247-96, D 1164*

*"... It is my hope that Judge Shedd will not be part of the so-called payback theory. I did not like what happened to President Clinton's nominations when Republicans controlled the Senate. As the Record will show, I supported Judge Roger Gregory for the Fourth Circuit. We have had some of the payback consideration on the Fifth Circuit I think fairly stated with Judge Pickering, and I hope that will not occur with Judge Shedd. It is my hope we will soon have a protocol which will take politicization out of judicial selections when there is a Democratic President, such as President Clinton, with a Republican Senate..."*  
(Specter, page S 11282-83)

### Nomination Considered (Cont.):

*A unanimous-consent agreement was reached providing that the cloture vote on the nomination of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit be vitiated and that following today's debate, the nomination be laid aside and that upon the disposition of H.R. 5005, Homeland Security Act, the Senate proceed to executive session and vote on confirmation of the nominee; further, that if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action and that the Senate return to legislative session; and that if the nomination is not confirmed, the Senate return to legislative session without any intervening action or debate, and that the previous order with respect the Terrorism Conference Report (H.R. 3210) remain in effect following disposition of the Shedd nomination.*

*Pages S 11242-43, S 11244, D 1164*

### Remarks:

#### **Tribute to Ed Haden.**

*"... I rise today to recognize a member of my judiciary staff, my chief counsel on Judiciary, Ed Haden. Ed will be leaving the Senate at the end of this session, returning to private practice at the outstanding Alabama law firm of Balch & Bingham in Birmingham, AL, where he will work in that firm's appellate litigation department. I will say this: My loss and the Senate's loss will be a great gain to Balch & Bingham. Before joining the Senate, Ed had a distinguished legal career, having served as a staff attorney on the Alabama Supreme Court and as a law clerk for the Fifth Circuit Court of Appeals. He came to the Judiciary Committee in 1999, first serving as counsel to Senator Orrin Hatch on the nominations and constitutional law unit. In 2000, he became my chief counsel for the Subcommittee on Youth Violence and is currently chief counsel for the Subcommittee on Administrative Oversight and the Courts..."*

Sessions

*Page S 11245*

#### **Innocence Protection Act.**

*"... Today, **Federal judges are voicing concerns about the death penalty.** Justice Sandra Day O'Connor has warned that 'the system may well be allowing some innocent defendants to be executed.' Justice Ginsburg has supported a State moratorium on the death penalty. Another respected jurist, Sixth Circuit Judge Gilbert Merritt, referred to the capital punishment system as 'broken,' and two district court judges have found constitutional problems with the Federal death penalty. We can agree there is a grave problem. The good news is that there is also a broad consensus on one important step we have to take--we must pass the Innocence Protection Act..."*

Leahy

*Page S 11247-48*

#### **Technology and Freedom.**

Nelson

*Pages 11250-51*

#### **The Confirmation of Michael McConnell to the 10<sup>th</sup> Circuit.**

Leahy

*Page S 11306*

#### **Confirmation of John Rogers.**

Leahy

*Page S 11307-8*

#### **Nomination of Dennis Shedd.**

Sessions

*Page S 11352-55*

### HOUSE

*The House was not in session today.  
It will next meet on Tuesday, November 19, 2002.*

**Committee Meetings for Tuesday, November 19, 2002:**

**Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations:** @ 10:00 a.m. Oversight hearing on “*Computer Security in the Federal Government: How Do the Agencies Rate?*” 2154 Rayburn.  
*Page D 1165*

**Next SENATE MEETING: Tuesday, 9:00 a.m., November 19, 2002.**

**Next HOUSE MEETING: Tuesday, 12:00 p.m., November 19, 2002.**

**OLA: S. Schwarz, A. Santos**